

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10

11 JOEL EICHENHOLTZ, Individually and On )  
12 Behalf of All Others Similarly Situated, )

13 Plaintiff, )

14 v. )

15 VERIFONE HOLDINGS, INC., DOUGLAS )  
16 G. BERGERON, and BARRY )  
17 ZWARENSTEIN, )

18 Defendants. )  
19 )  
20 )  
21 )

22 PETER LIEN, Individually and On Behalf of )  
23 All Others Similarly Situated, )

24 Plaintiff, )  
25 )  
26 )  
27 )  
28 )

v. )

VERIFONE HOLDINGS, INC., DOUGLAS )  
G. BERGERON, and BARRY )  
ZWARENSTEIN, )

Defendants. )  
)  
)  
)  
)

Case No. C 07-6140 MHP

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER CONSOLIDATING RELATED**  
**CASES**

Judge: The Hon. Marilyn H. Patel  
Courtroom: 15

Case No. C 07-6195 JSW

BRIAN VAUGHN and MIRIAM LOGAN,  
On Behalf of Themselves and All Others  
Similarly Situated,

Plaintiffs,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6197 VRW

ALBERT L. FELDMAN and ELEANOR  
JEAN FELDMAN, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6218 MMC

DONALD CERINI, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6228 SC

WESTEND CAPITAL MANAGEMENT  
LLC, Individually And On Behalf of All  
Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants.

Case No. C 07-6237 MMC

KURT HILL, On Behalf of Himself and All  
Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants.

Case No. C 07-6238 MHP

DANIEL OFFUTT, Individually and On  
Behalf of All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants.

Case No. C 07-6241 JSW

EDWARD FEITEL, on behalf of himself and  
all others similarly situated,  
  
Plaintiff,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants

Case No. C 08-0118 CW

Pursuant to Fed. R. Civ. P. 16(d), Civil L.R. 23-1(b), and the Manual for Complex Litigation, Fourth §§ 11.12, 11.21, and 31 (2004), the parties stipulate, and the Court hereby orders, as follows:

### CONSOLIDATION OF RELATED CASES

1. The following nine actions arise out of the same transactions and occurrences and involve the same or substantially similar issues of law and/or fact, and, therefore, are related cases within the meaning of Civil L.R. 3-12:

Abbreviated Case Name	Case Number	Date Filed
<i>Eichenholtz v. VeriFone Holdings, Inc. et al.</i>	C 07-6140 MHP	12/04/07
<i>Lien v. VeriFone Holdings, Inc. et al.</i>	C 07-6195 JSW	12/06/07
<i>Vaughn et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6197 VRW	12/06/07
<i>Feldman et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6218 MMC	12/07/07
<i>Cerini v. VeriFone Holdings, Inc. et al.</i>	C 07-6228 SC	12/10/07
<i>Westend Capital Management LLC v. VeriFone Holdings, Inc. et al.</i>	C 07-6237 MMC	12/10/07
<i>Hill v. VeriFone Holdings, Inc. et al.</i>	C 07-6238 MHP	12/10/07
<i>Offutt v. VeriFone Holdings, Inc. et al.</i>	C 07-6241 JSW	12/11/07
<i>Feitel v. VeriFone Holdings, Inc., et al.</i>	C 08-0118 CW	01/07/08

2. Pursuant to Fed. R. Civ. P. 42(a), the above-listed cases are hereby reassigned to United States District Judge Marilyn H. Patel and consolidated into Civil Action C 07-6140 MHP for pretrial proceedings before this Court. The consolidated action shall be captioned: “*In re VeriFone Holdings, Inc. Securities Litigation.*”

3. All related actions that are subsequently filed in, or transferred to, this District shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related

1 action, absent order of the Court. A party that objects to such consolidation, or to any other provision of  
 2 this Order, must file an application for relief from this Order within thirty (30) days after the date on  
 3 which a copy of the order is mailed to the party's counsel.

4 4. This Order is entered without prejudice to the rights of any party to apply for  
 5 severance of any claim or action, for good cause shown.  
 6

#### 7 MASTER DOCKET AND CAPTION

8 5. The docket in Civil Action No. C 07-6140 MHP shall constitute the Master  
 9 Docket for this action.

10 6. Every pleading filed in the consolidated action shall bear the following caption:

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE VERIFONE HOLDINGS, INC. ) Master File No.  
 14 SECURITIES LITIGATION ) C 07-6140 MHP  
 15 )  
 16 ) **CLASS ACTION**

17 This Document Relates To: )  
 18 )  
 19 )  
 20 )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )  
 26 )  
 27 )  
 28 )

7. The file in Civil Action No. C 07-6140 MHP shall constitute a Master File for  
 every action in the consolidated action. When the document being filed pertains to all actions, the  
 phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:." When a  
 pleading applies only to some, but not all, of the actions, the document shall list, immediately after the  
 phrase "This Document Relates To:," the docket number for each individual action to which the  
 document applies, along with the last name of the first-listed plaintiff in said action (*e.g.*, "No. CV 07  
 6140 (Doe)").



1 *I, Brendan P. Cullen, am the ECF user whose User ID and Password are being used to*  
2 *file this STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED CASES. In*  
3 *compliance with General Order 45, X.B, I hereby attest that the other signatories listed have concurred*  
4 *in this filing.*

5 Dated: January 18, 2008

6 /s/ Brendan P. Cullen  
7 Brendan P. Cullen (SBN 194057)  
8 SULLIVAN & CROMWELL LLP  
9 1870 Embarcadero Road  
10 Palo Alto, California 94303  
11 Telephone: (650) 461-5600  
Facsimile: (650) 461-5700

Attorneys for VeriFone Holdings, Inc.,  
Douglas G. Bergeron, and Barry  
Zwarenstein

12 Dated: January 18, 2008

13 /s/ Aaron M. Sheanin  
14 Daniel C. Girard (SBN 114826)  
15 Jonathan K. Levine (SBN 220289)  
16 Aaron M. Sheanin (SBN 214472)  
17 GIRARD GIBBS LLP  
601 California Street, Suite 1400  
San Francisco, CA 94108  
Telephone: (415) 981-4800  
Facsimile: (415) 981-4846

Attorneys for Joel Eichenholtz

18 Dated: January 18, 2008

19 /s/ Reed R. Kathrein  
20 Reed R. Kathrein (SBN 139304)  
21 HAGENS BERMAN SOBOL SHAPIRO  
22 LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001

23 Lewis S. Kahn  
24 KAHN GAUTHIER SWICK, LLC  
650 Poydras Street, Suite 2150  
New Orleans, LA 70130  
25 Telephone: (504) 455-1400  
26 Facsimile: (504) 455-1498

27 Attorneys for Peter Lien

1 Dated: January 18, 2008

/s/ Reed R. Kathrein

2 Reed R. Kathrein (SBN 139304)  
3 HAGENS BERMAN SOBOL SHAPIRO  
4 LLP  
5 715 Hearst Avenue, Suite 202  
6 Berkeley, CA 94710  
7 Telephone: (510) 725-3000  
8 Facsimile: (510) 725-3001

9 Lewis S. Kahn  
10 KAHN GAUTHIER SWICK, LLC  
11 650 Poydras Street, Suite 2150  
12 New Orleans, LA 70130  
13 Telephone: (504) 455-1400  
14 Facsimile: (504) 455-1498

15 Attorneys for WestEnd Capital  
16 Management LLC

17 Dated: January 18, 2008

/s/ Francis M. Bottini, Jr.

18 Frank J. Johnson (SBN 174882)  
19 Francis M. Bottini, Jr. (SBN 175783)  
20 Brett M. Weaver (SBN 204715)  
21 Derek J. Wilson (SBN 250309)  
22 JOHNSON BOTTINI, LLP  
23 655 West Broadway, Suite 1400  
24 San Diego, CA 92101  
25 Telephone: (619) 230-0063  
26 Facsimile: (619) 233-5535

27 Attorneys for Brian Vaughn and Miriam  
28 Logan

Dated: January 18, 2008

/s/ Leslev Ann Hale

19 Joseph J. Tabacco, Jr. (SBN 75484)  
20 Nicole Lavalley (SBN 165755)  
21 Leslev Ann Hale (SBN 237726)  
22 BERMAN DEVALERIO PEASE  
23 TABACCO BURT & PUCILLO  
24 425 California Street, Suite 2100  
25 San Francisco, CA 94104  
26 Telephone: (415) 433-3200  
27 Facsimile: (415) 433-6382

28 Attorneys for Albert L. Feldman and  
Eleanor Jean Feldman



1 Dated: January 18, 2008

/s/ Alan R. Plutzik

2 Alan R. Plutzik (SBN 077758)  
3 L. Timothy Fisher (SBN 191626)  
4 SCHIFFRIN BARROWAY TOPAZ &  
5 KESSLER, LLP  
6 2125 Oak Grove Road, Suite 120  
7 Walnut Creek, CA 94598  
8 Telephone: (925) 945-0770  
9 Facsimile: (925) 945-8792

Attorneys for Donald Cerini

8 Dated: January 18, 2008

/s/ Linda M. Fong

9 Laurence D. King (SBN 206423)  
10 Linda M. Fong (SBN 124232)  
11 KAPLAN FOX & KILSHEIMER LLP  
12 350 Sansome Street, Suite 400  
13 San Francisco, CA 94104  
14 Telephone: (415) 772-4700  
15 Facsimile: (415) 772-4707

13 Joel B. Strauss  
14 Jeffrey P. Campisi  
15 KAPLAN FOX & KILSHEIMER LLP  
16 850 Third Avenue, 14th Floor  
17 New York, NY 10022  
18 Telephone: (212) 687-1980  
19 Facsimile: (212) 687-7714

17 Jeffrey A. Klafter  
18 KLAFTER & OLSEN LLP  
19 1311 Mamaroneck Avenue, Suite 220  
20 White Plains, NY 10605  
21 Telephone: (914) 997-5656  
22 Facsimile: (914) 997-2444

21 Kurt B. Olsen  
22 KLAFTER & OLSEN LLP  
23 1250 Connecticut Avenue, N.W. Suite 200  
24 Washington, DC 20036  
25 Telephone: (202) 261-3553  
26 Facsimile: (202) 261-3533

Attorneys for Kurt Hill

1 Dated: January 18, 2008

/s/ Ramzi Abadou

2 Shawn A. Williams (SBN 213113)  
3 COUGHLIN STOIA GELLER RUDMAN  
4 & ROBBINS LLP  
5 100 Pine Street, Suite 2600  
6 San Francisco, CA 94111  
7 Telephone: (415) 288-4545  
8 Facsimile: (415) 288-4534

9 Darren J. Robbins (SBN 168593)  
10 David C. Walton (SBN 167268)  
11 Ramzi Abadou (SBN 222567)  
12 COUGHLIN STOIA GELLER RUDMAN  
13 & ROBBINS LLP  
14 655 West Broadway, Suite 1900  
15 San Diego, CA 92101  
16 Telephone: (619) 231-1058  
17 Facsimile: (619) 231-7423

18 Attorneys for Daniel Offutt

19 Dated: January 18, 2008

/s/ Linda M. Fong

20 Laurence D. King (SBN 206423)  
21 Linda M. Fong (SBN 124232)  
22 KAPLAN FOX & KILSHEIMER LLP  
23 350 Sansome Street, Suite 400  
24 San Francisco, CA 94104  
25 Telephone: (415) 772-4700  
26 Facsimile: (415) 772-4707

27 Joel B. Strauss  
28 Jeffrey P. Campisi  
KAPLAN FOX & KILSHEIMER LLP  
850 Third Avenue, 14<sup>th</sup> Floor  
New York, NY 10022  
Telephone: (212) 687-1980  
Facsimile: (212) 687-7714

Karen Hanson Riebel  
LOCKRIDGE GRINDAL & NAUEN  
P.L.L.P.  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
Facsimile: (612) 339-0981

Attorneys for Edward Feitel

ORDER

THE FOREGOING STIPULATION  
IS APPROVED AND IS SO ORDERED.

Dated: January 18, 2008

THE HONORABLE  
UNITED STATES

